

REMARKS

The Office Action November 16, 2004 has been carefully reviewed along with the references cited therein. In the Office Action, the Examiner indicated that the Information Disclosure Statement filed March 8, 2004 failed to comply with the rules because there was no copy of "The Walinga Agri-Vac Delivers" article. The Examiner also rejected claims 1-4, 12-14 and 15 under § 102(b) because of U.S. Patent No. 5,384,149 (Lin). The Examiner rejected claim 12 under § 102(b) because of U.S. Patent No. 5,540,932 (Lanter et al.) and because of U.S. Patent No. 4,384,009 (Lewis et al.). The Examiner also rejected claims 12, 16 and 18 under § 102(b) because of U.S. Patent No. 4,252,282 (Vermeulen et al.). The Examiner objected to claims 5-11, 13, 17 and 19-20 as being dependent upon a rejected base claim, but indicated that the claims would be allowable if rewritten in independent form. Applicant would like to point out that original claim 20 is an independent claim and therefore should have been found allowable with no objections. Nevertheless, Applicant appreciates the indication of allowable subject matter.

With reference to the Information Disclosure Statement, Applicant's representative telephoned the Examiner on January 13, 2004 to ask whether "The Walinga Agri-Vac Delivers" advertisement was overlooked. In the telephone conversation the Examiner indicated that the subject reference was attached to the "Screw Lift Conveyor for Efficient Evaluation - When Your Handling Problem Calls for Elevating Bulk Materials" article (Cite No. AT on Applicant's IDS). Since this reference was initially supplied, Applicant requests that the Examiner consider this article and make reference of such consideration.

In this response, Applicant has amended independent claims 1 and 12. Other dependent claims have been amended to correct dependency or to redefine the claims because of the amendments made to the independent claims.

Claim 1 has been amended to recite "separating oil, water and protein from the animal byproduct material," which is similar to original claim 8. Original claim 8 was found allowable by the Examiner. Therefore, amended claim 1 should be found allowable by the Examiner.

As mentioned above, claim 12 was rejected under § 102(b) over each of the four references cited by the Examiner. Claim 12 has been amended to recite, among other things, "a heater downstream from said grinder." This recitation is similar to original claim 16. Original claim 16 was only rejected in view of Vermeulen et al., and therefore

Applicant requests the removal of the § 102(b) rejections of claim 12 over Lin, Lanter et al., and Lewis et al. Accordingly, only a rejection in view of Vermeulen et al. would remain.

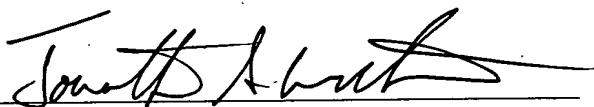
Claim 12 also recites, among other things, "a centrifugal separator downstream from said heater." This is similar to original claim 15. Original claim 15 was only rejected by Lin. Accordingly, the remaining § 102(b) rejection over Vermeulen et al. should be removed.

It would be impermissible for the Examiner to attempt to combine Lin, which fails to disclose a heater downstream from a grinder, and Vermeulen et al., which fails to disclose a centrifugal separator, to reject amended claim 12. Lin is directed to a method of treating animal carcass by-products by mixing the by-products with water and salt at a predetermined ionic strength to dissolve salt soluble proteins. (Col. 2, lines 20-35). Vermeulen et al. discloses a press that is used as a separator. (Col. 1, lines 29-30). One could not separate the by-product, water and salt mixture of Lin using the press described in Vermeulen et al. Accordingly, there is no motivation to combine these references. In view of the above, claim 12 as amended patentably defines over the cited references.

All formal and informal matters having been considered, it is submitted that the application is in condition for allowance and early notice to that effect is earnestly solicited.

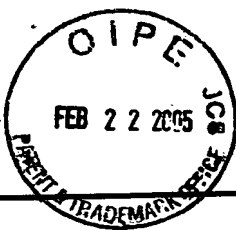
Respectfully submitted,

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February 16, 2005
Date

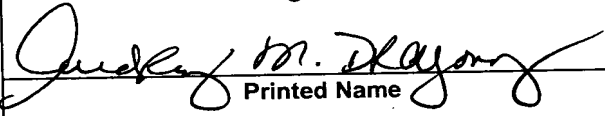


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